

UNITED STATES DISTRICT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENVILLE

RANDALL BETHEA on behalf of himself and )  
all others similarly situated in Tennessee )  
and JAMES PADGETT on behalf of himself )  
and all other non-Tennessee residents, )

Plaintiffs,

SUMMONS

2:08-cv-126

)  
vs.  
)

CHAMPION LABORATORIES, INC.; )  
PUROLATOR FILTERS N.A., LLC; )  
HONEYWELL INTERNATIONAL, INC.; )  
WIX FILTRATION CORP.; THE )  
DONALDSON COMPANY; BALDWIN )  
FILTERS, INC.; BOSCH USA; MANN + )  
HUMMELL USA, INC.; ARVINMERITOR, )  
INC. and JOHN DOE DEFENDANTS 1-100 )

Defendants.

TO: Mann + Hummel USA, Inc.  
c/o David P. Gordon  
6400 Sprinkle Road  
Portage, Michigan 49002

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address) an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PATRICIA L. McNUTT, CLERK

CLERK

Patricia M. Nutter

(By) DEPUTY CLERK

DATE

4/28/08

**RETURN OF SERVICE**Case 1:08-cv-04800 Document 8 Filed 05/16/2008 Page 2 of 38  
Service of the Summons and complaint was made by meScottie Smith

NAME OF SERVER (PRINT)

TITLE \_\_\_\_\_

*Check one box below to indicate appropriate method of service* Served personally upon the defendant. Place where served: \_\_\_\_\_ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left \_\_\_\_\_ Returned unexecuted: \_\_\_\_\_ Other (specify): Certified Mail/Return Receipt**STATEMENT OF SERVICE FEES**

TRAVEL \_\_\_\_\_ SERVICES \_\_\_\_\_ TOTAL \_\_\_\_\_

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on: 5/9/08  
*Date*  
Signature of Server  
Ball & Scott  
550 W Main, Suite 601  
Knoxville, TN 37902  
Address of Server

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<sup>1</sup> As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure

Is your RETURN ADDRESS completed on the reverse side?

|   |  |
|---|--|
| <b>SENDER:</b><br><ul style="list-style-type: none"> <li><input type="checkbox"/> Complete items 1 and/or 2 for additional services.</li> <li><input type="checkbox"/> Complete items 3, 4a, and 4b.</li> <li><input type="checkbox"/> Print your name and address on the reverse of this form so that we can return this card to you.</li> <li><input type="checkbox"/> Attach this form to the front of the mailpiece, or on the back if space does not permit.</li> <li><input type="checkbox"/> Write "Return Receipt Requested" on the mailpiece below the article number.</li> <li><input type="checkbox"/> The Return Receipt will show to whom the article was delivered and the date delivered.</li> </ul> |  |
| <b>3. Article Addressed to:</b><br>MANN+HUMMEL USA, Inc.<br>c/o David P. Gordon<br>6400 Sprinkle Rd.<br>Portage, MI 49002   |  |
| <b>4a. Article Number</b><br>1002 2410 0003 2872  |  |
| <b>4b. Service Type</b><br><input checked="" type="checkbox"/> Registered<br><input type="checkbox"/> Express Mail<br><input type="checkbox"/> Return Receipt for Merchandise<br><input type="checkbox"/> Certified<br><input type="checkbox"/> Insured<br><input type="checkbox"/> COD   |  |
| <b>7. Date of Delivery</b><br>5-9-08  |  |
| <b>5. Received By: (Print Name)</b><br>John M. Underly  |  |
| <b>6. Signature: (Addressee or Agent)</b><br>X John M. Underly  |  |
| <b>Is your <u>RETURN ADDRESS</u> completed on the reverse side?</b>   |  |
| Thank you for using Return Receipt Service.   |  |

PS Form 3811, December 1994  
 102595-98-B-0229 Domestic Return Receipt